

To: Roles & Responsibilities Committee

From: Jennifer Deck Samuelson, SBE Chair



Date: September 11, 2024

Re: Next Steps of the Roles & Responsibilities Committee

At the September 3rd meeting of the Board's Roles & Responsibilities (R&R) Committee, the Committee debriefed on the Board's August 21st retreat and began synthesizing comments received from Board members to identify areas of follow-up. Based upon the feedback received, Tammy summarized the priorities as follows:

- Standard Operating Procedures for agenda planning;
- Creation of a parking lot document for tracking issues (and public comments) before the Board;
- SOPs for transparency in Board operations, including updating the Board on general correspondence; and
- Board Governance. generally

During the R&R Committee's September 3rd meeting, Committee members also discussed the need to update, and perhaps repeal, the Board's Rule Series 1200. This memo will address, first, the feedback received from Board members during the retreat and my responses thereto and, second, the future direction of the R&R Committee.

A. Board Member Feedback

I have given a lot of thought to the feedback received from Board members during our August 21st retreat, with the goal of resolving the comments as expeditiously and efficiently as possible. It is clear that Board members would like to better understand how Board agendas are created and how the Board (and specifically the Chair) tracks and monitors issues that may come before the Board in the future.

At the outset, it is important to keep in mind that the Board's current process complies with statute and the Board's rules. To my knowledge, no members of the public have raised concerns about how we set our agendas, perform our work, or respond to public comment. That said, there is always room to do things better, and I appreciate the candid conversation at our August 21st retreat. Many good ideas emerged from our time together, and it was a very productive brainstorming session.

(I) With regard to the Board's questions regarding agenda planning, my actions as Chair have been guided both by the Board's rules and Robert's Rules of Order, which, pursuant to Rule 1222, governs the Board's conduct. Rule 1223 states in part that "The agenda of state board meetings shall be prepared by the commissioner or his designee upon consultation with the chairman. Members of the state board may add items by request. ..." This process of agenda planning by the Board Chair and the now-Interim Secretary is consistent with Robert's Rules of Order, which further explains that the agenda is a *proposed* agenda that is then adopted by the body at its meetings. Thus, Board members have the ability to request additions or amendments to the agenda at any time up until the point that the Chair asks, after roll call is taken, whether there are any amendments to the agenda. If there are proposed amendments, the Board would take a vote on whether to amend the agenda as requested; if there are no proposed amendments, the Board follows the agenda as proposed by the Chair. Further opportunity for Board member input is provided at the end of every meeting under "Future Meeting Planning," and Board members are certainly welcome to reach out to the Chair if they have any particular requests in advance of our meetings.

(2) With regard to the request for a "parking lot document" for tracking issues, and as I indicated to the Board at the August 21st retreat, I created such a document for my own purposes two years ago when I became the Chair. This document has a running list of short-term items that I review with the full Board during the Future Meeting Planning part of our monthly Board meetings and again with the Interim Secretary when we meet to discuss and plan the agenda for the Board's monthly meetings. The document also contains a list of longer-term items and possible issues about which I am aware that may eventually come before the Board. My spreadsheet cannot be a live document that is shared with the entire Board due to Open Meeting Law. However, I propose that the Chair maintain and share this list with the Vice Chair, the Secretary, and Maureen and Suzanne (or their counterparts). Of course, any Board member is welcome to email the Chair to suggest that items be added to the list or to inquire as to what is on the list at any time.

(3) With regard to public comment, although it may feel tempting to engage in a conversation with someone who provides comments to the Board, it is important to remember that there are good reasons why public comment is not a dialogue. Our value as a Board is the collective experience that we each bring to our positions. Engaging in a dialogue with members of the public during the Public Comment portion of our meeting undermines this by inviting on-the-spot opinions of Board members. Even discussing a topic raised during Public Comment directly afterward thwarts the requirement that the Board warn items on its agenda in order to provide advanced notice to the public that we will be collectively discussing and perhaps deciding various issues. At the same time, however, public comment may bring issues to the Board's attention that may be appropriate for the Board to warn and consider at a future meeting. Thus, I propose that, prior to the Public Comment sections of the Board's meetings, the Chair remind members of the public of the following:

- Public comment is an opportunity for the public to give input to the Board
- Members of the public are asked to limit their comment to two minutes and, if many members of the public wish to be heard, additional time constraints may be implemented
- Members of the public who wish to be heard should understand that they may not receive an immediate response to their comment; that the Board may not respond at all; that the Board may take the comment into consideration in a future meeting; or that the Chair may follow up with the person directly.

In drafting the above, I am patterning the proposed reminder off of the process used by the Commission on the Future of Public Education in Vermont (the Commission). To that list, I would add that the Chair should also invite members of the public to submit any written comments that they have prepared.

(4) Finally, with regard to updating the Board on general correspondence, the Commission's Steering Group recently engaged in a similar consideration of how its chair should handle email, and it agreed that the emails with personalized questions that were sent to the chair would receive a response back from the chair but would not be shared with the larger group, while emails that constituted public comment would be shared with the full Commission and published on the Commission's webpage. The Steering Group decided that this approach strikes a fair balance between keeping Commission members informed of issues that come before it while neither inundating Commission members with extraneous information nor imposing an undue burden upon its chair. In a similar vein, since I have been serving as the Chair of the Board, my practice has been to share with the Board any correspondence received that constitutes public comment with regard to the Board's activities as well as correspondence that correlates to items that are pending before the Board, and I propose to continue this practice.

B. Future Direction of the R&R Committee

[have also spent much time thinking about the next steps of the R&R Committee. Although there was discussion at the Committee's September 3rd meeting about updating and possibly repealing Rule Series 1200, I am asking that we view our work through the lens of our responsibility to further

the state of education in Vermont and to shift our focus to think more broadly. My reasoning is set forth below.

First, and perhaps most critically, it is imperative that we sort out the roles and responsibilities of the Board vis a vis the Agency. This work has been languishing since Act 98 (2012) removed the Department of Education from the Board's authority and created an Agency of Education but did not complete the work of reallocating the work between the Board and the Agency. Indeed, persistent confusion about the role of the Board exists among members of the public, including members of the Vermont School Boards Association. Moreover, one of the enumerated tasks assigned to the Commission is to clarify the composition, role, and function of the State Board to better serve the recommended education vision of the state. The Commission's draft of its final recommendations is due by October 1, 2025. This work is imminent and the Board needs to have a voice.

Second, we need to prioritize our work. The reality is that Board members have limited time in which to perform their duties, Agency staff have limited time in which to support us, and we are operating on an extremely limited budget. We have already spent 35% of our FY25 budget, and we have less than \$46,000 remaining to cover our activities for the next 10 months, which will include updating Rule Series 2370 (Career and Technical Education) as soon as we receive a draft from the Agency.

Given the above, we should not spend our time and resources on Rule Series 1200 at this point. Although it certainly needs to be updated, it does not make sense to update a rule series that proposes to set forth the way in which we do our work until *after* the Board's roles and responsibilities have been decided; doing otherwise is like putting the cart before the horse and could subject us to reopening the Rule Series multiple times. In reaching this conclusion, I have consulted with the Governor's Office and the Agency. Once we have divided up our roles and responsibilities with the Agency and have a better understanding of what our job will be going forward, we should make it a top priority to update Rule Series 1200 and any other outdated rules that remain under our authority.

Because we need to re-focus our work on what will be most helpful, I will cancel our R&R Committee meeting that is currently scheduled for next Monday the 16th and ask Maureen and Suzanne to send out a Doodle poll to find times for us to discuss the Board's role and function in light of the Commission's charge. To make the best use of our time and resources, meetings will last 2-3 hours and should occur at least monthly. My intent is that Tammy and I will work jointly to chart the path for this work and to set the Committee meetings accordingly. In the meantime, please review 16 V.S.A. §164 and the Board's current rules.

If any of you has any comments about the suggested approach, please reach out to me individually. **Please do not reply all.** I will also schedule time at our monthly Board meeting on September 18th to update the whole Board about feedback from the retreat and the R&R Committee's planned scope of work.